

# NEWS NOTES

Vol. I No. 2, February, 1949

## OF THE CENTRAL COMMITTEE FOR CONSCIENTIOUS OBJECTORS

Philadelphia, Pa.

### GREEKS EXECUTE OBJECTOR; BRITAIN RELEASES GREEN

Execution of a Greek Jehovah's Witness, John Tsoukaris, because he refused to do military service has raised strong protests in this country. Besides statements from the War Resister's League and the Fellowship of Reconciliation, three Protestant, Catholic and Jewish leaders wrote to the Greek Embassy in Washington, pointing to the imprisonment of Cardinal Mindszenty in Hungary, and adding:

"This similar action by the government of Greece is equally abhorrent to us. We wish to express our strong condemnation of the execution, and we hope that many others will join us in our protest."

#### Peter Green Released

Britain's best-known non-registrant objector, Peter Green, whose three-year sentence was reduced to one year, was released from Wormwood Scrubs Prison on January 26. His case had been comparatively unusual, for although the 1947 annual meeting of the Peace Pledge Union called on young men to refuse to register under the National Services Act, its resolution was never seriously carried into effect.

#### The British Law

In Britain objectors make a claim of conscientious objection at the time of initial registration, and are listed on a provisional register for C.O.'s. They obtain a hearing before a Tribunal and their C.O. claim is settled before they have any other obligations under the conscription law. At the hearing, any one of four decisions may be returned: (1) unconditional registration as a C.O., in which case the objector has no further duties under the law; (2) registration as a C.O. upon condition of engaging in some work specified by the Tribunal, but the objector is free to find his own work within the limits laid down, there being no program in any way resembling CPS; (3) registration for non-combatant duties in the army; (4) removal from the C.O. register altogether, and ordered to take a physical examination as a preliminary to military service.

Thus refusal to take a medical examination, by those whose claim to C.O. recognition has been denied, is the usual reason for jailing a British C.O., and the sentences range from one to six months.

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### Sentence 23 More Objectors, as 44 Others Face Courts

The Hungarian trial and conviction of Josef Cardinal Mindszenty has raised a storm of protest in this country because of its abridgment of religious liberty. In St. Louis, Mrs. Eleanor Roosevelt told a news conference that "conviction of people on account of their religious beliefs is bound to lead to a great deal of bad feeling," and she called the action "stupid." The New York Times (which refused to publish a Christmas letter demanding release of American C.O.'s) called Mindszenty's literal adherence to the ethics of the Sermon on the Mount the reason for his imprisonment. This outcry was noticeably absent when, a few days later, Greece executed a young Jehovah's Witness for his war objection.

Meanwhile, in Washington, President Truman took his oath of office with his hand resting on a Bible opened to the Sermon on the Mount, because he wished to emphasize the beatitude beginning, "Blessed are the peacemakers..."

All this concern for peacemaking and religious liberty made interesting reading for the 87 young Americans currently under arrest or sentence because of conscientious violation of the Selective Service Act, for the past month has been one of increasing police action against American C.O.'s. Since our last issue, 23 more non-registrants have been sent to prison, sentenced to terms ranging from 60 days to three years; one more has gotten probation; and 31 non-registrant and 14 counselling cases are still pending in the courts.

Information now available about the first 73 non-registrants gives an interesting picture of the young men whom the Truman (peacemaking) administration is branding as felons. Their average age is 22, the majority (63%) were college students at the time of their arrest, and half are members of the Society of Friends (Quakers). 18% served in CPS in the last war, and another 17% are veterans of the armed services. Twelve are married, some with small children.

Most of the C.O.'s now in or heading for prison are motivated by religious conviction, for besides 36 Quakers and five Methodists, ten are members of varied other denominations. Fourteen have no religious affiliation, and for eight this information is lacking.

## THE COURT REPORTER

The following men have been sentenced for failure to register for Selective Service:

- 9/28/48 - Ralph E. Cook, 2 years (Portland, Me., Judge John D. Clifford)
- 11/8/48 - J. Kingsley Widmer, 8 months reduced to 4 months (Minneapolis, Judge Matthew M. Joyce)
- 11/18/48 - Sander Katz, 1 year and 1 day (New York, Judge Harold R. Median)
- 11/22/48 - J. Newton Garver, 1 year and 1 day (Philadelphia, Judge J. Cullen Ganey)
- 12/13/48 - Atlee Shidler, Walter Coppock, Jr., Arthur Emlen, Gilbert H. McFadden, 3 years (Los Angeles, Judge Pierson M. Hall)
- 12/27/48 - Joseph Craigmyle, 1 year (Phoenix, Arizona, judge unknown)
- 12/27/48 - Paul B. Cates, Gerald Williams, 2 years (Portland, Maine, Judge John D. Clifford)
- 12/30/48 - Harold Flakser, 1 year and 1 day (New York, Judge Leo Rayfiel)
- 1/7/49 - Robert Meyners, 3 months (San Francisco, Judge Louis E. Goodman)
- 1/10/49 - Philip Howard, 3 years (Los Angeles, Judge William C. Mathues)
- 1/10/49 - Austin Regier, 1 year and 1 day (Minneapolis, Judge Gunnar H. Nordbye)
- 1/13/49 - Robert S. McInnes, 3 months (San Francisco, Judge Michael J. Roche)
- 1/14/49 - David S. Coffman, 1 year and 1 day (Chicago, Judge Walter J. La Bay)
- 1/17/49 - Norman McClure Moody, 1 year and 1 day (Lexington, Ky., Judge H. Church Ford)
- 1/17/48 - Herbert Standing, Leland Standing, Russell Henderson, David Jensen, David Wyman, Harvey Marshall, 18 months (Ottumwa, Iowa, Judge Charles A. Dewey)
- 1/19/49 - Herbert Hoover, 18 months and \$500 (Ottumwa, Iowa, Judge Charles A. Dewey)

- 1/20/49 - Charles Ray Rickert, 18 months (Toledo, Ohio, Judge Frank L. Kloebe)
- 1/22/49 - Henry Standing, Arlo Tatum, 18 months (Des Moines, Iowa, Judge Charles A. Dewey)
- 1/31/49 - Lawrence Tjossem, Roy Knight, Donald Mott, 18 months (Sioux City, Iowa, Judge Henry Graven)
- 2/1/49 - Donald Laughlin, Harold Burnham, 18 months (Waterloo, Iowa, Judge Henry Graven)
- 2/4/49 - T. Gilbert Butler, 60 days (Birmingham, Ala., Judge Clarence Mullins)
- 2/15/49 - Eston Rockwell, Herbert Smith, 18 months (Cedar Rapids, Ia., Judge Henry Graven.)
- 2/16/49 - Robert Reuman, Wm. Robert Young, 1 year & 1 day, (Philadelphia, Judge Guy K. Bard.)

The following men have been given two years probation to work for the American Friends' Service Committee:

- 11/15/48 - James S. Lovett (Philadelphia, Judge J. Cullen Ganey)
- 1/25/49 - Claire Street (Chicago, Judge Michael L. Igoc)

The following men are under arrest pending disposition of their cases:

- ALABAMA: Marvin Rockwell, Howard Rockwell, Wilford Gundon
- CALIFORNIA: Robert Cannon, Robert Richter
- GEORGIA: L. Millard Hunt, Jack Singletary
- ILLINOIS: Gregory Votaw, Robert Beach, Robert Wixom, Craig Wilder
- INDIANA: Armin L. Saeger Jr., Rollin Pepper, Gerald Haynes, Amos Brokaw, Richard Shufflebarger, William Wildman, Stephen Simon, Francis Henderson, Charles Frantz
- IOWA: Eston Rockwell, Herbert Smith

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## ABOUT THESE NEWS NOTES . . . .

Monthly publication of the Central Committee for Conscientious Objectors, this issue of NEWS NOTES is being mailed to an expanded list, in addition to contributors and regular correspondents of the Committee.

Established last August following passage of the 1948 Selective Service Act, the CCCO strives to maintain rights of conscience by counselling and assisting all conscientious objectors who seek its aid. It is currently helping to arrange legal counsel for men facing prosecution; visiting C.O.'s in prison and working for their unconditional release; advising correspondents on problems connected with Selective Service; and publishing information in these fields.

The continued work of the Committee is dependent entirely upon voluntary contributions.

## . . . . AVAILABLE PUBLICATIONS

- PRISON AND COURT MANUAL FOR C.O.'s (40 pp, 50¢, 3 for \$1.25, 35¢ each for 10 or more.) What happens to the C.O. in court and behind prison bars.
- 1776 AND ALL THAT (13 pp. mimeo, 10¢). Cites or quotes 46 authorities from Socrates to Roosevelt on the prior claim of "the higher law."  
Includes a section on the Nuremberg trials.
- WHY DO THEY GO TO PRISON? (26 pp. mimeo, 10¢). The story of Austin Regier and Kingsley Widmer, told in their own words, and taken from court records.
- U. S. v. CATES and WILLIAMS (court transcript, 31 pp. mimeo, 25¢). The full testimony of the case abridged in this issue of NEWS NOTES.
- U. S. v. COPPOCK (court transcript, 3 pp. mimeo, 10¢).

Also: Court Probation orders in Lovett, Street cases; "Counselling and Service Agencies for C.O.'s"; "Setting Up a Cash Bail Fund". All mimeo, 5¢ each.

UNITED STATES v. GERALD WILLIAMS  
The Case History of a Conscientious Objector

Vinalhaven, Maine  
September 19, 1948

Knox County Draft Board,  
Rockland, Maine.

Dear Sir:

This is to inform you that I have not registered for the draft. I am aware that this is somewhat of an irregular procedure, but assure you I have arrived at this position on principle, and only after much inquiry into the nature and purpose of military conscription, and into my own personal beliefs.

Peacetime conscription, in my belief, will never prevent war. It is in itself an act of war. The preparation that has been spent in this country towards building a formidable war machine, will only have the effect of hastening catastrophe. It is inevitable that we reap what we sow, that if we prepare for war, we will reap war.

At a time like this, to accept a military conscription based on the unlimited destructive capacity of modern warfare, is nothing short of insanity. Is it possible, in the face of the knowledge that the atomic disintegration of the world is theoretically possible, to engage in play that builds armies and air forces, and makes us increasingly economically dependent on the possibility of war?

Before such great stakes, military conscription becomes a weapon of irresponsibility. It is the weapon of irresponsibility which characterized the collapse of every great military state.

The International Military Charter (at Nuremberg) states that "the fact the defendant acted pursuant to order of his government shall not free him from responsibility." Yet in the same way we are being required to acquiesce to a military program which carries all the potential fury of pestilence, murder and starvation. We shall surely be held irresponsible for whatever destruction there ensues to our civilization.

I believe in the moral independence of the individual. I believe in the right of a private vision of the public good. My action therefore stands as a protest against the progressive militarization of mankind.

Sincerely,  
GERALD WILLIAMS

September 27, 1948

State Director of Selective Service  
151 Water Street,  
Augusta, Maine.

Dear Sir:

We enclose copy of letter from one Gerald Williams, whose present residence is Vinalhaven, Maine.

After receiving this letter I wrote Mr. Williams suggesting he call in hereto the local board, and he came in this morning. I attempted to point out to this boy certain facts, but he is obdurate in refusal to register.

For your further information this man was born in India; his father was a Methodist clergyman and he has been living in Vinalhaven for only a short time and has no trade or profession.

This is apparently a matter to be taken up with the United States District Attorney's office.

Respectfully,

HARRY S. STEWART, Chairman  
Knox County Local Board.

October 13, 1948.

Mr. Gerald Williams,  
Vinalhaven, Maine.

Dear Sir:

Your letter of September 19, 1948, has been referred to this office.

Your position leaves no alternative of course to us except to prosecute under the law.

If you maintain your present attitude, it would be very likely to result in imprisonment for an extended period of time. I feel that it is possible that there may be certain considerations which you have not taken into account in this matter that might possibly result in you altering your viewpoint.

I should, therefore, wish to discuss the matter with you. If you can telephone to me and give me a definite date when it will be possible for you to come, I shall arrange to be free of appointments at that time.

Very truly yours,

ALTON A. LESSARD,  
United States Attorney

BY: EDWARD J. HARRIGAN,  
Assistant United States Attorney.

On the 28th of December, as a result of these preliminaries, the case of U. S. v. Gerald Williams, together with that of U. S. v. Cates (another non-registrant) was called in the courtroom of Judge John D. Clifford in Portland.

MR. LESSARD (U.S. Atty.)...at any time before sentence, the United States Attorney's office would be willing to allow the men to withdraw their plea of guilty and make a motion of dismissal because as I say the position of the U.S. Attorney's office is to obtain compliance, not prosecution.

THE COURT: Mr. Williams, do you understand what the United States Attorney has just said?

MR. WILLIAMS: Yes.





THE COURT: That he is willing, even at this late moment, after you have pleaded guilty, to ask that this indictment be dismissed if you will reconsider. You understand that?

MR. WILLIAMS: I do.

THE COURT: Are you willing to reconsider?

MR. WILLIAMS: I am sorry; I take the same position.

MR. HARRIGAN (Asst. U.S. Atty.) I think, your honor, perhaps I should make some comment on this situation as I see it. The law is plain, and the offense is self-evident. It is significant that neither of these defendants seem to realize the distinction between aggression and self-defense. Furthermore, all of them cite Gandhi, and I think that is the key of their behavior. For despite their contentions, perhaps honestly believed, that this is a matter of conscience, it is not so when you examine it closely.

It is an attempt to introduce into the United States the principle and practice of "civil disobedience" as carried out in certain foreign countries. Such a procedure, if indulged in by any considerable number of people, and if extended to other laws which groups of citizens might disapprove of, could only result in the breaking down of law and order and our system of self-government.

THE COURT: Mr. Williams, will you step over here, please.

MR. WILLIAMS: Your Honor, I have refused to register for the draft. I have done this because, for whatever reason or expedient registration is condoned, it nevertheless remains an integral part of the military system, and is an essential step in the psychological and military preparation for war. Without registration there would be no conscription; without conscription there would be no army or navy; and without the army and navy there would likely be no war.

I have disobeyed this law because it is my belief that military conscription is clearly a preparation for war, and only implicates us further in the possibility of war. It represents a departure from the American tradition of freedom and personal responsibility, for it is an authoritarian measure introduced as an expedient for security in exactly the same manner that authoritarian measures were introduced in Italy, Spain, Germany and Russia as temporary securities against aggression. It seems to me to bear a dangerous similarity to what has been criticized in Germany and Russia. It was the acquiescence to the demand that they put their bodies and consciences in hands they may not question, and over which they had no control, that allowed the people of Russia and Germany to come under the domination of totalitarian regimes.

If it was courageous and noble and of benefit to the cause of liberty and justice to oppose Nazism introduced and upheld by law, and maintained in equal diplomatic respect by other nations until the outbreak of the war - why is it wrong to oppose in this country a measure

which sets in motion, in whatever refined or smaller manner, the same dangerous machinery of destruction that foretold the unnatural downfall of Germany.

If there were men in Russia today who would refuse on conscientious grounds to take a personal part in their government's military and political preparations for war, they would certainly find Americans sympathetic. Yet a person with possibly identical scruples in this country is a criminal. In my mind, my action in refusing to register for the draft directly parallels these instances. Militarism and war preparation are the same, whether in Russia or Germany or America. For they all subscribe to the doctrine that the ends justify the means, even when those means are diametrically opposed in nature to those ends.

By what I have done I do not mean to imply disrespect for the law. I believe that there are good laws, and there are bad laws, and that it is the duty of the responsible citizen to obey those laws which confer benefit to people, and object to those which do not benefit people. Disobedience of the law does not necessarily imply disrespect for the law. Nor does disobedience of certain laws, even the open violation of them, mean irresponsibility and the disintegration of democracy and representative government. Instances in American history, such as the Boston Tea Party, the Fugitive Slave Law, and Prohibition, tend to prove it otherwise.

If I may have the liberty of saying so, the violation of the Fugitive Slave Law by New Englanders is, to my mind, an historical parallel of my violation of the present conscript law. The Fugitive Slave Law made it mandatory for citizens to hunt down and return run-away slaves. This law showed that slavery in those times was not static, but was becoming aggressive and dangerous. When people saw that slavery was wrong they openly violated the law which upheld slavery, and by doing so they started events which led to the greatest emancipation in modern times. If my disobedience of the Selective Service Act has anything in common with the disobedience of men like John Brown and Ralph Waldo Emerson for the Fugitive Slave Law, it is because we both discover that an institution of our times has become aggressive and dangerous, and that the responsibility for eliminating it begins at home.

THE COURT: It becomes my unpleasant duty to impose sentence in accordance with the law. The sentence will be two years.

THE CLERK: Frederick Gerald Williams, the Court having considered the offense of which you stand convicted directs that you be punished by suffering imprisonment for the term of two years, and that you be committed to the custody of the Attorney General, who will designate the place of confinement where this sentence shall be served. And that you stand committed in execution of this sentence.

(Note: The above record has been greatly abridged.)

## THESE PRISONERS CAN BE FREED

When Gerald Williams received a two year term in the case described in the preceding pages, the judge described his action as "my unpleasant duty to impose sentence in accordance with the law." This reference to an alleged duty under the law to imprison conscientious objectors, no matter how much they may dislike the task, has characterized the sentencing speeches of the most of the 19 judges so far involved in these cases. It is made to appear that imprisonment is the inevitable outcome of such law disobedience, no matter how conscientious or sincere.

Likewise for the conscientious objector, with the judge's sentence still ringing in his ears, there is something terribly final in the sound of the jail house door crashing shut behind him.

But the imprisonment of conscientious objectors is neither inevitable nor final.

Under present law, a judge has no "duty" to impose a prison sentence, let alone one as long as two years. And there is nothing final about a C.O. having to serve this sentence; the government has ample power, under the law, to free him.

Men of principle and religion are being thrown in jail all over this country today for exactly the same reason that Himmler was able to operate his concentration camps: because of public apathy and ignorance. They will be freed when enough people realize that this abrogation of religious liberty threatens their own freedom and the very structure of democracy, and when these same people demand that the government use its power to open the prison gates.

It can be done, through the use of existing laws governing probation, parole, commutation of sentence, of pardon. President Truman commuted the sentence of Boston's notorious Mayor Curley after he had served only a few months; he pardoned most of those involved in the Kansas City vote frauds. Federal judges granted probation in 38% of the serious criminal cases coming before them in 1946-7, and the United States Board of Parole is constantly releasing embezzlers, robbers, or liquor law violators.

To fail to use these powers in existing conscientious objector cases means only that Government officials wish to punish conscience, and they expect the public to acquiesce in this denial of democracy.

Here are some of the facts:

The United States code provides that a judge, when "the ends of justice and the best interests of the public as well as the defendant will be subserved thereby," has the power "to suspend the imposition or execution of sentence and to place the defendant upon probation for such period and upon such terms and conditions as they deem best."

The United States Board of Parole (whose members are appointed by and serve at the pleasure of the Attorney General) has the power to release on parole "under such terms and conditions...as the Board shall prescribe," any prisoner "if in the opinion of the Board such release is not incom-

patible with the welfare of society," after the prisoner has served one-third of his sentence.

In view of these statutes, which from the standpoint of the law would seem to be tailor made for just such a situation as this, it is reasonable to ask why the first non-registrant to come up for parole has been denied and why probation has been granted in only 5% of the cases so far (and then under discriminatory conditions), as against 38% for "run-of-the-mill" federal offenders.

The answers the judges have given (and the thinking is much the same regarding parole) fall into several categories:

(1) If "leniency" is extended, it is argued, it will encourage other violators; thus the C.O. must be punished to deter others. By this reasoning no probations or paroles would ever be granted. In representative state courts in 1944, probation was granted to 38% of those convicted of auto theft; 34% forgery and counterfeiting, 26% rape. Does this mean that those judges were encouraging auto theft, forgery, and rape? Especially under today's suspended Selective Service, can anyone seriously think that a draft "dodger" would be so inept as to "defy the law" and earn a felony record to carry through life with him?

(2) Probation and parole have been frequently denied C.O.'s because they will not "abide by the conditions" imposed. These conditions are created by the judges; they are neither embodied in nor required by the law. Under the law, if it was deemed in the best interests of society and justice, C.O.'s could be placed on probation or parole without any restrictive conditions whatsoever.

(3) The C.O. is punished because he is "defiant," a word which crops up with monotonous regularity in almost every court record. Defined as used by the judges, "defiance" means simply that the defendant will not alter his religious or moral beliefs at the behest of the court. Socrates was "defiant," too; and so was Pythagoras and Jesus and Buddha and William Penn, and every man who has stood by his principles in the face of organized opposition.

The question asked by the imprisonment of these C.O.'s boils down to this: does it serve "the ends of justice and the best interests of the public" to make convicts of some of our finest young men, solely because they oppose a law many persons believe is leading us straight to World War III?

The fact that we are doing this must be forced through the iron curtain of silence and ignorance and placed on the conscience of America. The weight of public opinion must bear down upon local judges, Congressmen, the U. S. Board of Parole, Attorney General Tom Clark and President Truman. The lifeblood of democracy is the latitude and freedom it gives to wide variation of individual belief. The religious liberty which is our hard won heritage is menaced as long as a single prisoner is, under lock and key for his convictions. The key can be turned, if the will to turn it is aroused.









## BRITAIN RELEASES GREEN

(Continued from page 1)

Thus refusal to take a medical examination, by those whose claim to C.O. recognition has been denied, is the usual reason for jailing a British C.O., and the sentences range from one to six months. As during World War II, prison terms for objectors who violate the law are markedly shorter than in the United States.

It is not an offense in Britain to counsel a man to refuse to register under the National Service Acts, although the law at this point is a little vague. What is called incitement to disaffection is usually regarded as an attempt to persuade a serving soldier not to carry out his duties.

It is noteworthy that no particular religious position is expected of British C.O.'s. London's Central Board for Conscientious Objectors recently published an analysis of categories of objectors, divided into Religious, General, and Political, the latter including a solitary communist.

### Dutch Version of CPS

More than 700 men have applied for recognition as C.O.'s in Holland since the end of the German occupation, and about 500 of these have been sent to special work camps resembling CPS, where they do civilian work, mostly of an agricultural nature. They receive the pay and leave privileges of a soldier.

Of those denied C.O. status, some have been declared medically unfit, but the majority have appeared before a court martial. Some are recognized at this point, others given prison sentences ranging up to 5½ years. A psychiatrist is attached to the court in these trials, in an attempt to determine the reasons for a man's objections.

Hein van Wijk, attorney who has defended many C.O.'s and who sends us this information, believes strongly in the necessity of psychiatric examination in all C.O. cases (perhaps Dutch psychiatrists are more impartial), and in an international agreement for the recognition of C.O.'s to do alternative work.

Room 300  
2006 Walnut St.,  
Phila. 3, Pa.

## THE COURT REPORTER

(Continued from page 2)

NEW YORK: Wilbur Rippy, Charles Bell, James Neuhouser, Edgar Norton

OHIO: Robert Somers, Douglas Parker, William Probasco

The following are the institutions in which C.O.'s are currently confined; while Federal censorship limits prisoners to 7 correspondents, extra letters are open delivered, though they cannot be answered:

Federal Correctional Institution, Danbury, Conn.: Ralph Cook, Newton Garver, Paul Cates, Gerald Williams, Harold Flakser.

U. S. Penitentiary, Lewisburg, Pa.: Sander Katz.

Federal Correctional Institution, Sandstone, Minn.: J. Kinsley Widmer, Austin Regier.

U. S. Prison Camp, Mill Point, W. Va.: Norman Moody.

U. S. Prison Camp, Tucson, Ariz.: Philip Howard, Arthur Emlen, Atlee Shidler, Walter Coppock, Jr., Gilbert E. McFadden.

San Francisco (Calif.) County Jail: Robert Meyners, Robert McInnes.

U. S. Medical Center, Springfield, Mo.: Herbert Standing, Leland Standing, Russell Henderson, David Jensen, David Wyman, Harvey Marshall, Herbert Hoover, Henry Standing, Arlo Tatum.

Federal Correctional Institution, La Tuna, Tex.: Joseph Craigmyle.

### COUNSELLING TRIALS SET

Trial date for Larry Gara, 26 year old Bluffton (Ohio) College dean of men, has been set for March 9 before Judge Frank L. Kloeb at Toledo.

Gara is charged in two counts with having counselled non-registration generally, and with specifically urging Charles Rickert (recently jailed Bluffton non-registrant) not to register.

Gara's counsel has asked dismissal of the first count because of its vague and general nature and its failure to specify the dates and locations of the alleged violations. Gara will be represented in court by Gustavus Ohlinger, Toledo, and Francis Heisler, Chicago.

Sec. 562, P. L. & R.